



## Virginia Commission on Youth

Delegate Phillip A. Hamilton, Chairman

# 2003 GENERAL ASSEMBLY OVERVIEW OF YOUTH RELATED ISSUES

*The Virginia Commission on Youth is a standing legislative commission which, by mandate, provides a legislative forum in which complex issues related to the Commonwealth's youth and their families can be explored and resolved.*

*The following legislation reflects legislative and gubernatorial action. Boldface text designates 2003 Session Commission on Youth initiatives recommended in 2002 studies. Budget actions reflect changes enacted by the 2003 General Assembly to amend the 2002-2004 Biennium Budget.*

### Glossary

AHEC - Area Health Education Center  
BOE - Board of Education  
CA - Commonwealth's Attorney  
CCRE - Central Criminal Records Exchange  
CHINS - Children in Need of Services  
CHIP - Children's Health Insurance Program  
CPMT - Community Policy & Management Team  
CSA - Comprehensive Services Act  
CSB - Community Services Board  
CSU - Court Service Unit  
DCJS - Dept. of Criminal Justice Services  
DJJ - Dept. of Juvenile Justice  
DMHMRSAS - Dept. of Mental Health, Mental Retardation, Substance Abuse Services  
DOC - Dept. of Corrections  
DSS - Dept. of Social Services  
FAMIS - Family Access to Medical Insurance Security Plan  
FAPT - Family Assessment and Planning Team  
FOIA - Freedom of Information Act  
GF - General Funds (State)/NGF - Nongeneral funds  
HHR - Health & Human Resources  
HIPPA - Health Insurance Portability and Accountability Act  
IEP - Individualized Education Plan  
J&DR - Juvenile and Domestic Relations  
JCC - Juvenile Correctional Center  
JLARC - Joint Legislative Audit & Review Commission  
SCHEV - State Council of Higher Education for Virginia  
SEC - State Executive Council  
SOL - Standards of Learning  
SOQ - Standards of Quality  
TANF - Temporary Assistance for Needy Families  
VASAP - Virginia Alcohol Safety Action Program  
VDH - Virginia Dept. of Health

## GENERAL

**HJR 604** JLARC to study acclimation of state's ethnically diverse populations to identify needs for government services to immigrant populations either unique or typically exceeding those of the total general population; examine benefits/costs of major immigrant populations and the state economy; review federal government policies/programs affecting immigrant populations and impacting state/local initiatives; examine options for all levels of government to facilitate acclimation while preserving ethnic and cultural identity; and recommend changes in laws/regulations to ensure equal opportunity for all ethnic groups. Cox

## SAFETY

**HB 1832/SB 1204** Directs State Police to develop the Amber Alert Plan to rapidly publicize information on child abduction. Requires public state buildings to have a Code Adam program, which locks down the building as a preventive tool against child abductions and for locating lost children. Requires the BOE to develop a program to provide parents with child identification kits, which are held for safekeeping by the parent, not a school, school board, or other public entity. *Athey/Newman*

**HB 2290/SB 1139** Certain obscenity violations, when accomplished with a computer, carry separate and distinct punishment. Establishes alternate method for calculating statutory civil damages for a person injured by any violation of the Computer Crimes Act; adds a seizure and forfeiture provision. *Devolites/Stolle*

**HB 2757** Clarifies and reinforces that, as a condition of employment for all public school employees, school boards must require that applicants certify on employment applications whether they have been convicted of a crime of moral turpitude. *Rust*

**SB 1332** Moves current law provisions regarding the Sex Offender and Crimes Against Minors Registry into Title 9.1 (Commonwealth Public Safety) from Title 19.2 (Criminal Procedure). Breaks Code provisions into shorter, more readable sections. Registrants enrolled or employed by an institution of higher education must name the institution on registration form; State Police must notify the institution of the person's registration. *Houck*

**HB 1434** State Police must provide Criminal Sentencing Commission with Sex Offender and Crimes Against Minors Registry data in an electronic format. *Sherwood*

**SB 1164** Requires registration in the Sex Offender and Crimes Against Minors Registry of a person convicted of a third or subsequent offense of unlawful photographing, videotaping or filming of a nonconsenting person who is nude or in a state of undress that exposes private body parts in circumstances where the person would have a reasonable expectation of privacy. *Ticer*

## **Safety** (cont.)

**HB 2445/SB1149** Moves effective date of sexually violent predator legislation from 2004 to “effective from its passage.” Redefines sexually violent offense to include forcible sexual offense committed prior to July 1, 1981. Refines definition of “sexually violent predator.” Assigns responsibilities to DMHMRSAS. Changes standard of proof for finding a person a sexual predator from “beyond a reasonable doubt” to “clear and convincing.” *Griffith/Stolle*

**HB 2457/SB 1153** Establishes a Child Pornography Registry that includes images of sexually explicit visual material presented as evidence and used in a conviction for a child pornography offense. Increases the penalties for child pornography possession to a Class 6 felony and second and subsequent offenses to a Class 5 felony. *McDougle/Stolle*

**HB 2680** Clarifies and revises requirements for principals' reports to local law enforcement of incidents occurring on school buses, school property or at school-sponsored functions. The principal must still notify the parents of the students involved and division superintendent and still has the discretion to report assaults and assaults and batteries without bodily injury to local law enforcement. *Black*

**HB 1907** Students can be expelled for possession of air rifle or BB gun. *Almand*

**HJR 532** Designates April as Backpack Safety Awareness Month in Virginia. *Cox*

**HB 2621** Requires schools to conduct annual school safety audits which include specific recommendations and to make those audits public within 90 days of completion. Provides FOIA restrictions for security plans and specific vulnerability assessment components. *Sherwood*

**HB 2671** Delays until September 15, 2004 the applicable date for training and employment standards for persons employed as school security officers. *Hamilton*

**SB 1306** Record retention period for Child Protective Services family assessments is increased from 1 to 3 years after the date of the complaint or report. Records are purged after such 3-year period if there are no subsequent complaints or reports in that 3-year period. *Ticer*

**SJ 428** Encourages DSS to promote public playground safety through the use of technical assistance, seminars, conferences, and the dissemination of published materials. *Hanger*

**HB 1553/SB 1112** Redefines “bicycle” to eliminate references to pedals and seat height. Revises where and how bicyclists are to ride on highways; allows transportation of children under 6 years old on bicycles if they are securely attached to the bicycle in a seat or a trailer designed for young children; and allows but does not require bicycles, electric power-assisted bicycles, and

mopeds to display slow-moving vehicle emblems. *Hargrove/Whipple*

## **DOMESTIC RELATIONS**

**HB 2106** Deletes any statement as to racial designation from marriage and adoption records. Similar designations were removed from divorce records in the 2002 Session. *Van Lanningham*

**HJR 631** Continues the joint subcommittee studying protection of court records. *Devolites*

**SB 834** When a defendant is convicted of violating a domestic or stalking protective order, the court must issue a new protective order for a specified period not to exceed 2 years from the date of conviction. *Howell*

**HB 2275/SB 826** Where the court is deferring proceedings, the court has discretion in evaluating and ordering participation in an education or treatment program for persons charged with a first domestic assault. Probation term is 2 years from the date the court makes findings of facts that would support a finding of guilt. *Hurt/Marsh*

**HB 2188** Petitioner failing to obtain emergency removal order after 4 hours have elapsed following taking custody of a child must state the reasons therefor. Parents/guardians are to be given notice as soon as practicable and every effort shall be made to provide notice in person. *Saxman*

**SB 788** Guardian ad litem appointed for an incarcerated felon in a divorce action will be paid for out of the criminal fund in certain limited circumstances involving domestic physical or sexual assault. Fee will be taxed against the felon as a part of the costs of the proceeding and, if collected, repaid to the Commonwealth. *Deeds*

**SB 893** Allows protective orders to be issued following incidents of stalking and acts of violence resulting in serious bodily injury to a person. To obtain a protective order under these provisions, an arrest warrant must have been issued for the alleged perpetrator. *Watkins*

**HB 2303/SB 866** Marital agreements for the purpose of settling the rights and obligations of the spouses need not be in writing and are considered signed by the parties if the terms of the agreement are contained in a court order endorsed by counsel or the parties or recorded and transcribed by a court reporter and affirmed personally by the parties on the record. *Devolites/Puller*

**HB 2128/SB 1097** Eliminates the 2003 sunset of, and modifies the existing requirements that parents attend educational seminars addressing the effects of separation or divorce on children, parenting responsibilities, etc. Parties to any petition for custody, visitation or support shall show proof that they have attended within 12 months before their first court appearance or shall attend within 45 days thereafter an educational seminar that is at least 4 hours in length. *Brink/Edwards*

## Domestic Relations (cont.)

**HB 2444** Establishes a \$25 filing fee for child custody or visitation cases in J&DR Court. *Griffith*

**HB 1915** Clarifies that J&DR Court is divested of jurisdiction over the custody, guardianship, visitation or support when such issues are raised in the circuit court in a pendente lite hearing and where the circuit court is set to hear the issue on a date certain including on a motions docket. *Almand*

**HB 2545** District or Circuit Court may order an independent mental health or psychological evaluation in any case in which custody or visitation of minor children is at issue. *McDonnell*

**SB 1288** In a child custody or visitation proceeding, where the court conducts an in-camera interview of a minor child without the presence of the parties or their counsel, the court shall prepare a record of the interview which shall be made a part of the case record, unless the court determines that doing so would endanger the safety of the child. Cost assumed by parties. *Cuccinelli*

**HB 2386** Court may affirm, ratify and incorporate by reference in its divorce, annulment and support decrees an agreement between the parties as to modification of child support. Provisions do not require further court decree for enforcement, but are subject to revision and alteration provisions of § 20-108. *Moran*

**HB 2405/SB 1206** Clarifies that a court may issue a show cause order or *capias* for failure to pay child or spousal support where personal or substitute service has been obtained. A lien on personal injury and wrongful death awards is created for child and spousal support and given priority over other liens with some exceptions. *Oder/Newman*

**SB 1157** Allows DSS Child Support Enforcement Division to issue income withholding orders and notices by first-class mail. A noncustodial parent's employer issued an income withholding order by first-class mail shall not be liable to the Department unless the employer had actual notice of the order. *Ticer*

**HB 2440** Modifies statute that makes it a Class 6 felony to withhold a child outside the state in violation of a custody or visitation order by adding the child's parents or other legal guardian to the class of people who would be protected. *Dillard*

**HB 1533** Adds half-siblings to the definition of family/household member under J&DR Court. *Melvin*

### Budget actions include:

\$226,000 GF in FY 04 to restore 50% of the reduction for J&DR Courts included in the Governor's introduced budget.

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## Children's Mental Health Treatments

The Commission on Youth has completed the study of Evidence-based Treatments for Children and Adolescents with Mental Health Disorders. This collection is tailored to consumers, family members, advocates, health care providers and mental health policy makers and will be updated regularly.

On May 1, pursuant to SJR 358, this print resource will be available on the Commission's web site at [coy.state.va.us](http://coy.state.va.us). To access this document, click on Children's Mental Health Treatments link.

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## MENTAL HEALTH

**SJR 358** Commission on Youth to make empirically based information concerning effective treatment modalities and practices for children available through the Internet. Commission shall seek assistance of the SJR 99 Advisory Group, Secretaries of Health and Human Resources, Public Safety, and Education in posting, maintaining, and biennially updating information, which shall include effective, empirically based treatment modalities and practices for juvenile offenders with mental health treatment needs, symptoms, and disorders. Agencies of the Secretariat of HHR delivering services to children, DOE, and DJJ must also post this information on their websites, provide for the dissemination of the information in as efficient and cost-effective manner as possible, and ensure access to information by consumers, family members, advocates, mental health policy makers, and others. *Houck*

**HB 1599** Amends provisions related to juvenile competency to stand trial when juvenile is being tried as an adult. Statutes amended govern raising the question of competency to stand trial and evaluation, and disposition and treatment when the defendant is found incompetent. *Melvin*

**SB 1338** Mental examination reports for persons convicted of a crime indicating a sexual abnormality must be furnished to the defendant, defense counsel and the CA 5 days in advance of the sentencing hearing and to the judge in advance of the sentencing hearing. *Rerras*

**HB 2346/SB 947** Clarifies authority of the Inspector General for DMHMRAS to provide inspections of and make policy and operational recommendations for licensed mental health treatment services operated by state correctional facilities. *Weatherholtz/Houck*



## Mental Health *(cont.)*

**SB 1121** Authorizes CSBs, behavioral health authorities and agencies licensed by the DMHMRSAS to hire persons convicted of one misdemeanor offense for assault & battery or assault & battery against a family or household member if 10 years have elapsed following the conviction, unless the person committed such offense in the scope of his employment in a direct consumer care position. *Lucas*

**HB 2445** Moves effective date of sexually violent predator legislation from 2004 to “effective from its passage.” Redefines sexually violent offense to include forcible sexual offense committed prior to July 1, 1981. Refines definition of “sexually violent predator.” Assigns responsibilities to DMHMRSAS. Changes standard of proof for finding a person a sexual predator from “beyond a reasonable doubt” to “clear and convincing.” *Griffith/Stolle*

### **Budget actions include:**

\$13,000 GF restored in FY 04 for the Office of Inspector General to maintain 3 FTEs. Language is added to insure funding once it moves to DMHMRSAS.

\$200,000 added in FY 03 and \$300,000 in FY 04 for DMHMRSAS treatment of civilly-committed violent sexual predators. Additional \$200,000 is transferred from FY 04 to FY 03 for the Attorney General’s sexually violent predators program.

\$3.5 million GF in FY 04 for 175 additional DMAS Mental Retardation Waiver slots.

\$475,000 GF and \$477,475 in NGF in FY 04 to restore direct care services at DMAS mental retardation training centers.

FY 03 payment levels maintained for FY 04 for freestanding psychiatric facilities.

Almost \$2.3 million GF restored in FY 04 Grants to Localities to CSBs for services to mentally disabled individuals.

Secretary to develop policies and guidelines to determine how custody for patients involuntarily committed to handled to ensure safety and security during all phases of the detention and involuntary commitment process and report by November 1, 2003.

Vacant DMAS slots for the Independence Plus Waiver will revert to the Waiver of origination: the Mental Retardation Waiver or the Developmental Disabilities Waiver. Continues the work on restructuring the DMHMRSAS system and require quarterly reports on progress in implementing mental health restructuring. Appropriations to the following mental health treatment centers shall be made available to CSBs serving the given facility for implementation of regional restructuring projects to expand community mhmrzas programs.

## SUBSTANCE ABUSE

**HB 2000** Prosecution for underage possession of alcohol may occur either in the county or city in which the alcohol was consumed or in the county or city in which the person exhibited evidence of prior consumption. *Bell*

**HB 2229** A person convicted of underage possession of alcohol or using a false identification to purchase alcohol may be placed on probation pursuant to deferred disposition and referred to a community-based probation program if such program has been established as an alternative to a referral to a VASAP or DMHMRSAS program if a community-based program is available. *Cline*

**SB 1190** Persons under 18 whose driver's licenses have been suspended for a second moving violation can obtain restricted licenses to drive to and from work if there is no other means of transportation by which they can travel. *Wagner*

**HB 2324** Adds an automatic 7-day administrative license suspension when a person under 21 operates a motor vehicle after consuming alcohol and has a blood alcohol concentration of 0.02. *Albo*

**HB1527** Gives the court the discretion to discharge and dismiss DUI and refusal proceedings against a juvenile. *Purkey*

**HB 2616** Prohibits the sale or purchase of wrappings (papers sold for rolling tobacco and other substances) to minors. Existing penalties for retailers and for minor purchasers for sale or purchase of tobacco products apply to the sale or purchase of wrappings. *Sears*

**HB 2615/SB 1071** Clarifies that possessing drugs with intent to distribute on school properties, recreation centers, libraries, and hospitals is prohibited, regardless of where the person intended to actually distribute the drugs. *Sears/Rerras*

**HB 2091** BOE must include policies addressing voluntary and mandatory drug testing in its guidelines for student conduct policies and student searches. Standards for school board policies on alcohol and drugs and search and seizure must address voluntary and mandatory drug testing, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority. *Joannou*

**HB 2390** Part of the Drug Offender Assessment Fund monies are to be appropriated to the DCJS for support of community-based probation and local pretrial services agencies, in addition to the current appropriations to the DOC, the DJJ and the VASAP. *Albo*

## Substance Abuse (cont.)

### Budget actions include:

\$2 million GF in FY 03 restored to Grants to Localities for community substance abuse services.

Locally-operated CSUs are not required to provide drug screening and assessment services. Language in the introduced budget already exempts state-operated CSUs from this requirement as part of a budget reduction strategy.

Over-the-counter prescriptions are not to count as a unique prescription for purposes of prior authorization under Medicaid. Amendments extend this to Hiram Davis and Mental Retardation Training Centers.

## CHILD WELFARE

**HB 1955** Designates the Secretary of Health and Human Resources, or a designated deputy, to chair the Executive Council. *Hamilton*

**HB 1956** Chairs of the state and local CSA advisory teams must be elected from among the local government representatives. *Hamilton*

**HB 1714** Clarifies that referrals and reviews of children and families under CSA may be done by the FAPT or a collaborative, multidisciplinary team process approved by the SEC. Also provides that the VDH's FAPT representative will serve at the request of the local CPMT chair. *Hogan*

**HB 1720** Requires Office of Comprehensive Service for At-Risk Youth director to develop and maintain a statewide automated database of authorized vendors of CSA services, negotiate statewide or regional rates, develop standardized contracts that CPMTs may use to purchase services, develop and maintain a web-based CSA information system through which CPMTs and vendors report information about CSA clients and services, develop and implement in collaboration with CPMTs and vendors a reasonable number of critical uniform outcome and performance measures to be reported, beginning not later than July 1, 2004, by all CPMTs through the web-based CSA information system; and develop, in collaboration with the CPMTs, FAPTs, and vendors, the data collection tools needed to gather and report client outcome and vendor performance measurement information. *Hogan*

**SB 1306** Record retention period for Child Protective Services family assessments is increased from 1 to 3 years after the date of the complaint or report. Records are purged after such 3-year period if there are no subsequent complaints or reports in that 3-year period. *Ticer*

**HB 2379/SB 1162** Adds a child's foster parents or other custodians to the definition of "victim" in the Crime Victim and Witness Rights Act for purposes of allowing victim input for sentencing. *Moran/Ticer*

**SB 789** Under child labor law exemptions, minimum age for referees of sporting events is lowered from age 13 to 12. *Mims*

### Budget actions include:

\$125,000 NGF restored in FY 04 with federal TANF funds for Healthy Families Virginia

Reduces the federal TANF grants to community organizations FY 04 and provides for a TANF balance totaling \$4 million June 30, 2004 (part of a larger effort to return structural balance to the federal TANF block grant program by FY 05)

CSA realizes a \$1 million savings in FY 03-04 due to increased use of Medicaid by requiring the use of Medicaid funded services whenever they are available for the appropriate treatment of children and youth receiving CSA services.

Governor to consider providing additional child day care funding in 2004-06 biennial budget for an additional 12 months of day care assistance for those no longer receiving TANF; revising eligibility policies to reflect the high cost of child day care in certain areas of the Commonwealth, and adjusting reimbursement rates to reflect current market rates.

Secretary to develop a plan to bring the federal TANF block grant into structural balance for the FY 05

Secretary to report on the implementation of the 2002 plan for improving services and containing costs in the treatment and care of children under the Comprehensive Services Act for At-Risk Youth and Families by October 15, 2003.

Effective July, 2003, TANF recipients who lose eligibility for cash assistance may receive 5 months of federally funded food stamp assistance upon termination of their cash assistance.

Permits reporting on food stamp eligibility every 6 months instead of every time income changes.

## HEALTH

**SJR 356** Continues the Joint Subcommittee Studying Lead Poisoning Prevention and initiatives to educate parents in high-risk housing in ways to prevent poisoning in children. *Lambert*

**HB 2287/SB 1218** Establishes program incorporating both Medicaid and FAMIS Plan to provide coordinated services to participating children. The Medicaid portion is named FAMIS Plus. Allows use of a single eligibility application for both programs. Extends coverage for mental health

## HEALTH (cont.)

services currently provided for children enrolled in Medicaid to FAMIS participants. Reduces waiting period from 6 to 4 months between the time that a child was covered by private health insurance and when FAMIS eligibility can be established. *Devolites/Lambert*

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**HB 2297** Changes FAMIS provision on minimum employer contribution from 50% towards the cost of dependent or family coverage to a percentage defined in the Virginia Plan for Title XXI of the Social Security Act. *Devolites*

**HB 2594** Provides 12 continuous months of coverage for eligible children whose family income does not exceed 200% of the federal poverty level during the enrollment period as permitted by Title XXI of the Social Security Act. *Brink*

**HB 2477** Allows supervised registered nurses to screen and test children for elevated blood-lead levels when such tests are conducted in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and in compliance with the Board of Health's regulations. Follow-up testing must be directed by physician or a nurse practitioner. *Crittenden*

**SB 659** School board employees must follow requirements currently adhered to by health care providers and law-enforcement personnel related to HIV or Hepatitis B or C. Persons, including students, directly exposed to the body fluids of a school board employee are also deemed to have consented to testing for infection and release of the test results to the exposed school board employee. If the person to be tested is a minor, parental or other consent is required. If consent withheld, school board may petition J&DR Court to order testing. School boards must ensure that school personnel having contact with students receive training in the prevention and effects of blood-borne pathogens. *Ruff*

**HB 1834** Scoliosis screening will be provided for public school students grades 5-10, unless students have been tested as part of the required comprehensive physical examination or parents have indicated preference that their

children not participate in such screening. Local school boards are to develop procedures for parents to indicate their desire to "opt out." *Reese*

**SB 1082** Stiffens Board of Health requirement in the protocol for testing children for elevated blood-lead levels, with testing at appropriate ages and frequencies, when indicated. Testing is now required. *Lambert*

**HB 2155** Entitles a secure facility (most often a detention home) to obtain medical records of a juvenile in its care directly from a health care provider if consent for release is refused or not readily obtainable from parent or guardian. Records may be obtained only if necessary for provision of health care to the juvenile, to protect the health and safety of juvenile or other residents or staff of the facility or to maintain security and safety of the facility. Redis closure of the records by facility staff is prohibited. *Hamilton*

**HB 2463** Revises subpoena provisions in patient records law to provide consistency between the existing VA provisions and federal regulations promulgated pursuant to HIPAA relating to standards for security and privacy of protected health information. *O'Bannon*

**SB 1083** Authorizes Departments of Rehabilitative Services, Aging, Blind and Vision Impaired, Deaf and Hard-of-Hearing, and other agencies under the Secretary of Health and Human Resources to share protected health information. *Lambert*

**HB 1961** Eliminates the registration and permitting to practice midwifery of individuals who are not registered nurses and were registered and permitted to practice midwifery in compliance with this law prior to January 1, 1977. *Hamilton*

**SB 943** Clarifies that the prohibition on excluding health insurance coverage for pregnancy as a preexisting condition does not apply to eligible individuals purchasing individual health insurance coverage. *Colgan*

**HB 2310** Requires licensed nurse midwives and hospitals providing maternity care to make available to patients and relevant family members information on postpartum blues and perinatal depression (formerly called postpartum depression) prior to discharge. *Alexander*

**HB 2447/SB 1151** A parent who voluntarily delivers a child no older than 14 days to a hospital or rescue squad will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon having left the baby at such facility. Personnel accepting babies under these conditions are immune from liability, absent gross negligence or willful misconduct. *Griffith/Stolle*



## HEALTH (cont.)

**HB 1402/SB 1124** Requires that a physician must obtain parental consent prior to performing an abortion on an unemancipated minor. Provision outlines procedures required for minor to seek judicial authorization if she does not elect to seek consent of an authorized person. Requires the court to find minor capable of emancipation when deciding whether minor is "mature" or not. If judge grants abortion authorization, physician or his agent must notify the parent; however, no notice is required if judge finds that notice would not be in minor's best interest. *Black/Stolle*

**HB 1450** Requires, upon request of either individual listed as mother or father on a report of in-state fetal death, issuance of a Certificate of Birth Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after gestational period of 20 weeks or more. *Byron*

**HB 1541/SB 1205** Punishes the act of "partial birth infanticide" as a Class 4 felony. Procedure will not be deemed necessary to prevent the death of the mother if completing the delivery of living infant would prevent death of the mother. Second enactment clause repeals the partial birth abortion provision. *R. Marshall/Newman*

**HB 2048** Authorizes Workers' Compensation Commission to award up to \$100,000 to parents or legal guardian of an injured infant covered under VA Birth-Related Neurological Injury Program who dies within 180 days of birth. Clarifies that the mother is not subject to the exclusive remedy provision. Requires hospitals to: release fetal monitoring strips; investigation and referral; inform patients; to provide Program brochure to parents of infants hospitalized in a neonatal intensive care unit; and to mail the report of the reviewing panel of physicians to the Program and all parties within 60 days after the filing of a petition. Also provides that the Act's exclusive remedy provision applies with respect to claims by an infant's parents or other representative if the claim is derivative of the medical malpractice claim involving the infant's injury. *Woodum*

**SB 1253** Adds the responsibilities of the Joint Commission on Behavioral Health Care to the Joint Commission on Health Care. Provides for a special task force of the Commission to consider issues related to behavioral health care. *Martin*

## GENERAL

**SJ 316** Dr. Martin Luther King, Jr. Memorial Commission to coordinate and plan 2004 statewide commemoration of the 50th Anniversary of the Brown v. Board of Education decision. *Marsh*

**HJR 613** Describes events in Prince Edward County following the Brown v. Board of Education decision, expresses the profound regret over the 1959-64 closing of that county's public schools, and notes the 50th anniversary of Brown v. Board of Education decision. *Baskerville*

## Budget actions include:

Provides \$125,256 in NGF and GF funds for FY 03-04 to establishes a single, umbrella program that incorporates FAMIS and the Medicaid Program for Medically Indigent Children to be known as "FAMIS Plus," and reduces from six to four months the length of time that children must be uninsured before qualifying for FAMIS.

\$2,572,246 in NGF/GF to restore almost 50% of the DMAS funding reduced in Governor's recommended budget for managed care organizations; provides an inflation adjustment for FAMIS HMOs

\$32,164,187 in NGF/GF to restore almost 50% of the funding reduced in Governor's recommended budget for DMAS' managed care organizations; will provide an inflation adjustment for Medicaid HMOs

State funding for the State and Local Hospitalization program decreased by 1.3% in FY 04

\$952,934 GF in FY 04 to increase the rates paid for personal care services by 1%

\$200,000 GF restored to Governor's recommended budget for AHECs specifically for recruitment and retention, practice support, and training of health care professionals in medically underserved areas or areas with medically underserved populations.

\$125,000 GF restored to Governor's recommended budget for FY 04 for CHIP from federal TANF block grant funding. Companion amendment with DSS restores \$125,000 GF and reduces \$125,000 in TANF funds for CHIP .

\$60,000 NGF reduction (15%) for Fatherhood Campaign for FY 03-04 from TANF funds

Secretaries of HHR and Education to report on 1) cost trends and funding options for indigent health care services provided through the state academic health systems and 2) funding options by September 15, 2003.

\$18 million transferred to expand FAMIS for children aged 7-19 in families between 100 and 133% of the federal poverty level and transfers funding for this group of children to better track the new Medicaid MIS

Specifies criteria for the design of Medicaid Preferred Drug List program and requires DMAS to work with DMHMRSAS in developing the list for its non-Medicaid clients. Medicaid pharmacy program savings are approximately \$18 million in GF annually, with \$9 million in GF savings in FY 04.

DMAS required to maintain and report data to evaluate implementation of new FAMIS and Medicaid prior authorization requirements.

VDH is to lead a multi-agency effort to develop a statewide comprehensive suicide prevention plan no later than June 30, 2004.

## ADOPTION

**HB 1514** When a licensed child-placing agency or a local social services board accepts custody of a child for the purpose of placing the child with adoptive parents designated by the birth parent, the agency or local board may consider placing the child with the designated adoptive parents if the agency or local board finds placement in the best interest of the child. *Albo*

**HB 1833** Clarifies that the written materials required to be offered for review as part of the basic information for informed written consent for abortion must be provided "in a respectful and understandable manner, without prejudice" and that information on services will characterize adoption as a positive alternative. *Reese*

**HB 2009** Requires all child-placing agencies or local directors of social services to document in court reports all efforts made to encourage birth parents to share information related to their physical and mental history in all adoption proceedings. *Bell*

**HB 2106** Deletes any statement as to racial designation from marriage and adoption records. Similar designations were removed from divorce records in the 2002 Session. *Van Landingham*

**HB 2233** Adoptive parents who are state residents may petition their circuit court for a report of adoption when they are seeking a Virginia birth certificate for a child adopted in a foreign country that has post-adoption reporting requirements and with whom the U.S. has diplomatic relations. Adoptive parents seeking to have a child from a foreign country adopted or who choose to readopt a child from a foreign country in Virginia must comply with all statutory adoption requirements to get a Virginia birth certificate. *Watts*

**SB 1298** Clarifies that a "party with a legitimate interest" in a child, for purposes of making custody and visitation determinations, does not include persons whose interest in the child is derived from a parent (e.g., grandparents) whose rights have been terminated if the child subsequently has been legally adopted, except in cases of stepparent adoption. Grandparents and other relatives are not divested of all legal rights in cases of stepparent adoption. *Newman*

## JUVENILE JUSTICE

**HB 1572** Rewrites provisions regarding the notification to a school division superintendent or school principal of criminal involvement of students. Requires notification to division superintendents when juvenile is found not guilty or the charges are dismissed, withdrawn, reduced or nolle prosequi. *Hamilton*

**HB 1520/SB 991** CHINS definition expanded to include a child whose behavior, conduct or condition presents or

results in a serious threat to the well-being and physical safety of the child or any other person. *Black/Mims*

**HB 1559** Permits an intake officer to defer filing a truancy complaint petition for 90 days and to proceed informally by developing a truancy plan, provided the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance. If the juvenile does not complete the plan successfully within the 90-day period, the intake officer shall file the petition. *Orrock*

**SB 1077** Authorizes the release of juvenile information in the CCRE to certain State Police, sheriff and police department employees for purposes of the administration of criminal justice. Under the Code, fingerprints and disposition must be forwarded to CCRE for a juvenile of any age found guilty of a felony, misdemeanors under Title 54.1, and misdemeanors punishable by confinement in jail except for trespassing, DUI and disorderly conduct. However, fingerprints are only required to be taken for juveniles aged 14 and older charged with a violent juvenile felony. Taking fingerprints for other charges is discretionary by law enforcement. *Rerras*

**HB 2541** Requires use of Virginia crime code references for jailable offenses on all charging documents issued by magistrates, criminal warrants, summons, criminal indictments, information and presentments, criminal petitions, summonses and dispositional documents from criminal trials, effective October 1, 2004. Crime codes will be recorded and stored in computer systems maintained by DJJ, State Police, Supreme Court, DOC, Parole Board, DCJS, and State Compensation Board. Crime code will be used only to facilitate administration and research. No indictment or other accusation will be invalid if the Virginia crime code references are omitted or stated incorrectly. *McDonnell*

**SB 825** When J&DR Court deems necessary, the court may appoint both counsel and a guardian ad litem for a party. *Marsh*

**HB 2231** Grants greater access to otherwise confidential records of the juvenile court and DJJ, including electronic access, to pretrial services officers and community-based probation officers for the purpose of preparing pretrial investigations, risk assessment instruments and post-sentence investigation reports. *Cline*

**HB 2282/SB 1060** Clarifies that a J&DR Court judge has the authority to order a juvenile into detention prior to final disposition, even if the juvenile was not ordered into detention when first taken into custody; does not change the statutory criteria that must be met before detention is ordered. *Hurt/O'Brien*



## Juvenile Justice (cont.)

**HB 1599** Amends provisions related to juvenile competency to stand trial when juvenile is being tried as an adult. Statutes amended govern raising the question of incompetency to stand trial and evaluation, and disposition and treatment when the defendant is found incompetent. *Melvin*

**HB 2274** An order terminating the juvenile court's jurisdiction after a juvenile has been transferred and tried as an adult shall not apply to any allegations of criminal conduct that would properly be within the jurisdiction of the J&DR district court if the defendant were an adult. *Hurt*

**HB 1923/SB 1239** Establishes procedures for determining whether a defendant in a capital case is mentally retarded and may not be sentenced to death. *Almand/Norment*

**HB 2012** Notice of juvenile detention review hearing will be given to the probation and parole department of the local or state CSU, as well as to the currently authorized parent, guardian, legal custodian or other person standing in loco parentis, the child's attorney, the child if 12 years of age or over, and to the attorney for the Commonwealth. *Bell*

**HB 2155** Entitles a secure facility (most often a detention home) to obtain the medical records of a juvenile in its care directly from a health care provider if consent for release is refused or not readily obtainable from the parent or guardian. The records may be obtained only if necessary for the provision of health care to the juvenile, to protect the health and safety of the juvenile or other residents or staff of the facility or to maintain the security and safety of the facility. Prohibits redisclosure of the records by facility staff. *Hamilton*

**HB 2514/SB 1160** An unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. *McDonnell/Ticer*

**HB 2432** DNA samples can be taken from blood, saliva or tissue of juvenile felons. *Hugo*

**HB 2518** Clarifies the authority of the Director of DJJ to hire, transfer, and terminate probation officers and supervisors in state-operated CSUs, and J&DR Court judges to appoint court services unit directors. Also clarifies the Director's control over state-operated units and the localities' control of locally operated units. *McDonnell*

**SB 1078** A person who has reached the age of majority and requests his DJJ records has access to those records even if he was not a ward of the Department. DJJ can withhold information from inspection by the child's parent or guardian when DJJ staff determines that disclosure would be detrimental to a third party. *Rerras*

**SB 1003** Expands the services and information that law enforcement, the CA, and the Attorney General's Office must provide crime victims. *Mims*

### Budget actions include:

Secretary of Public Safety to report on options for future utilization of the Culpeper JCC by September 15, 2003.

Secretary to study the feasibility of public-private partnerships to finance essential public safety facilities, including juvenile facilities.

DJJ to maximize recovery of Title IV-E federal funds. In second year, an additional \$500,000 GF to be deposited for reimbursement of eligible services.

Locally-operated CSUs are not required to provide drug screening and assessment services.

## SCHOOLS

**HB 2806** Local school boards may approve school-proposed alternative school schedule, including those providing for the operation of schools on a 4-day weekly calendar, as long as a minimum of 990 hours of instructional time is provided for grades 1 through 12 and 540 hours for kindergarten. *Saxman*

**HB 1716** Division superintendent or his designee can assign another identifying number to students ineligible to obtain a federal social security number or whose parent is unwilling to present such number or waive the requirement. *Hogan*

**HB 1518** Prohibits local school boards from discriminating against the Boy Scouts of America or the Girl Scouts of the U.S.A. *Black*

**HB 1498** Public schools must post the "Virginia Statement of Values" in civics, social studies, history, or government instruction classes. *Lingamfelter*

**HB 2140** Requires posting of the Bill of Rights of the U.S. Constitution in public schools. School boards may accept contributions in cash or in-kind from any person to defray implementation costs. *Brink*

**SB 987** Allows local school boards to display U.S. flag decals on school buses, with size and placement restrictions. *Mims*

**HB 2124** Allows 2 or more school boards operating an academic-year Governor's School to select the fiscal agent for the school from among the treasurers of the participating localities by agreement and approval of the respective local governing bodies. *Reid*

## **Schools** (cont.)

**SB 756** Requires school board members to receive at least 30 days of notice when a division superintendent's contract is being renegotiated unless the members agree unanimously to take the vote without the 30 days notice. All votes must be recorded in the minutes. The local governing body must ultimately approve the school board budget. *O'Brien*

**SB 659** Requires school board employees for health care providers and law-enforcement personnel related to HIV or Hepatitis B or C. Persons, including students, directly exposed to the body fluids of a school board employee are also deemed to have consented to testing for infection and release of the test results to the exposed school board employee. If the person to be tested is a minor, parental or other consent is required. If consent withheld, school board may petition J&DR Court to order testing. School personnel having contact with students must receive training in the prevention and effects of blood-borne pathogens. *Ruff*

**HB 1572** Rewrites provisions regarding the notification to a school division superintendent or school principal of criminal involvement of students. Requires notification to division superintendents when the juvenile is found not guilty or the charges are dismissed, withdrawn, reduced or nolle prosequi. *Hamilton*

**HB 2091** BOE must include policies addressing voluntary and mandatory drug testing in its guidelines for student conduct policies and student searches. Standards for school board policies on alcohol and drugs and search and seizure must address voluntary and mandatory drug testing, including, but not limited to, which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority. *Joannou*

**HB 2680** Clarifies and revises the requirements for principals' reports to local law enforcement of incidents occurring on school buses, school property or at school-sponsored functions. The principal must still notify the parents of the students involved and the division superintendent and still has the discretion to report assaults and assaults and batteries without bodily injury to local law enforcement. *Black*

**HB 1907** Students can be expelled for possession of air rifle or BB gun. *Almand*

**HB 2621** Requires schools to conduct annual school safety audits which include specific recommendations and to make those audits public within 90 days of completion. Bill makes provisions for restricting the FOIA Act due to any security plans and specific vulnerability assessment components. *Sherwood*

**HB 2671** Delays until September 15, 2004 the date upon which training and employment standards for persons employed as school security officers will be applicable. *Hamilton*

**HB 2757** Clarifies and reinforces that, as a condition of employment for all public school employees, school boards must require that an applicant certify whether he has been convicted of a crime of moral turpitude on the employment application. *Rust*

**HB 2404** Home-schooling parents can teach the behind-the-wheel portion of driver education. *Oder*

## **EDUCATION**

**HB 1493/SB 710** Amends Standard 1 of the SOQ to express the General Assembly and the Board of Education belief that the quality of public education is dependent upon quality instruction that enables each student to become a productive and educated citizen. Also reiterates the legislature's duty to fund public education as set forth in the Virginia Constitution. *Amundson/Puller*

**HB 2442** Amends the SOQ to require school boards to identify students with limited English proficiency and enroll these students in appropriate instructional programs and to require state funding, pursuant to the appropriation act, for 10 full-time equivalent instructional positions for each 1,000 students identified as having limited English. *Dillard*

**SB 779** For any grade level or course for which an SOL assessment or other criterion- or norm-referenced assessment is administered, there shall be no required administration of the Stanford 9 assessment, except as may be selected to facilitate compliance with the requirements for home instruction. SOL tests are administered in grades 3, 5, and 8 at the end of certain high school courses, but will be administered in grades 3-8 in math and reading by the beginning of 2005-2006. *Blevins*

**HB 1503** Directs BOE to establish criteria for awarding a diploma seal for excellence in civics education and understanding of the state and federal constitutions and the democratic model of government for the standard and advanced studies diplomas. *Landes*

**HB 1464** BOE to develop requirements for the award of the general achievement diploma to students passing the GED examination; successfully completing an education and training program designated by the Board; and satisfying other requirements the Board may establish. *Carrico*

## Education (cont.)

**SB 1099** Specialized training to students desiring to pursue careers in law enforcement, fire fighting, emergency and rescue services, and other occupations addressing public safety and welfare can be made available where two or more school boards, with State Board consent, establish joint or regional high schools, including regional public charter schools. *Edwards*

**HB 2404** Allows home-schooling parents to teach the behind-the-wheel portion of driver education. *Oder*

**SJ 318** Secretary of Education to facilitate communication, collaboration, and cooperation among the public and higher education systems, and the Virginia General Assembly to establish a K-20 continuum. Recommendations for changes to existing state laws due to Commission on Accessibility and Diversity in Higher Education by November 30, 2003. *Marsh*

**HJR 608** BOE and SCHEV to ensure that the performance and leadership standards described in the Board's Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents are reflected in preparation and training programs for principals and superintendents in institutions of higher education. *Hamilton*

**HJR 642** Recognizes the efficacy and potential cost savings that contracting for independent educational performance assessment services can provide decision makers in order to save money and time. Notes the new data requirements of No Child Left Behind and that the development and implementation of new software to collect and analyze this data could be costly and require months of work. *Byron*

**SJ 305** DOE to collect information regarding ratios of Virginia students with IEPs to the general student population. *O'Brien*

**SJR 349** JLARC to collect data and information regarding best practices at Virginia's high-performing public schools; to identify and examine schools that have performed successfully in meeting SOA and those who have achieved marked improvement in student and school performance; and practices and demographic information of the best- and poorest-performing school divisions; successful practices in those high-performing school divisions with marked fiscal or other challenges. *Hanger*

### Budget actions include:

\$27.5 million GF for a salary increase equivalent to 2.25% effective January 1, 2004 to public school instructional and support staff positions funded through SOQ and other state-funded accounts

Additional federal funding of \$2.0 million under Title II-A Teacher/Principal Training and Recruitment to reflect continuation of the grant in FY 04

Additional federal funding of \$550,000 under Title II-D Technology grant in FY 03-04

Additional federal funding of \$460,000 under Title IV-B 21st Century Community Learning Centers due to a new grant award in FY 03-04

Additional federal funding of \$2.0 million under IDEA Special Education due to increased grant amounts for Virginia in FY 03-04

Additional federal funding of \$979,085 under Title IV-A Community Service for Expelled or Suspended Students due to new federal award in FY 03-04

\$2,834,904 GF in FY 03-04 funding to administer separate History Standards of Learning tests in grades 6-8 to replace funding for development of the tests removed in the introduced budget

\$1 million in NGF in FY 03-04 for the Teacher Quality Enhancement grant

\$8.2 million NGF to continue State Assessment grant

\$425,000 in GF for FY 03-04 to restore funding for the state-supplied Algebra Readiness diagnostic test. Companion amendment restores the language concerning SOL Algebra Readiness program

Additional federal funding of \$8.75 million to local school divisions under Title IV-B 21st Century Community Learning Centers to reflect a new federal grant award for FY 04

Additional federal funding of \$18.0 million to local school divisions under IDEA Special Education due to increase in federal funding for FY 03-04

GF funding for Project Discovery in FY 03-04 reduced by \$49,060

GF funding for Southside Virginia Public Education Consortium in FY 03-04 reduced by \$82,750 and \$107,700

Additional federal funding of \$10.1 million to local school divisions under Title II-D Technology for FY 04.



## Education *(cont.)*

\$78,331 GF in FY 04 to allow Winchester City Public Schools to receive the state share of payments for a Summer School program

Additional \$50.2 million NGF to local school divisions under Title II-A Teacher/Principal Training and Recruitment to reflect continuation of the federal funding for FY 04

\$6,821,800 GF reduction in proposed funding for Student Achievement Block Grant

BOE to plan for consolidating services for the deaf and/or blind and multi-disabled students served by state's two existing schools. Plan, which will address academic programs, staffing, facilities requirements, student transportation, and individual arrangements for all

students currently receiving services, is due by Nov. 1, 2003.

Highland County and Norton City must enter into certain cost-sharing arrangements as a condition of receiving Small School Division grants of \$200,000 each.

New Student Achievement grants can fund dropout prevention services.

Removes provision allowing SOL remediation funding to be block-granted with SOQ remediation funding.

Adjusts the estimate of the 1¢ sales tax distribution to localities for education in the amount of \$5,289,036 GF for FY 03-04

## GENERAL

**HJ 532** Designates November 4, 2003, Election Day, as Take Your Kids to Vote Day in Virginia. *Saxman*

## COMMISSION ON YOUTH

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